IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF SEPTEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 15585 of 2004

Between:

B. Sreenivasulu, Hindu, S/o B. Govindarajulu,
R/o D.No. 28/453-12-A, Navodaya Colony, Ananthapur.

..... PETITIONER

AND

1. The Depot Manager, APSRTC, Kalyandurg Depot, Kalyandurg,

   Ananthapur District.
2. The Divisional Manager, APSRTC, Ananthapur.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the proceedings of the 1st respondent vide his proceedings bearing No. P1/1(45)/2001-KLDG dt. 7-7-2001 as illegal, arbitrary and in violation of principles of natural justice and in violation of Art. 14 and 21 of the Constitution of India and consequently direct the respondents to reinstate the petitioner into service with all consequential benefits.

Counsel for the Petitioner: MR.A.RAMA RAO

Standing Counsel for the Respondents : MR.P.VINAYAKA SWAMY

The Court made the following at the admission stage:

THE HON'BLE Dr. JUSTICE G.YETHIRAJULU

WRIT PETITION NO: 15585 of 2004

ORDER:

The petitioner worked as a Conductor in the respondents-Corporation. He was selected as a Conductor in the year 1998 through the selection committee.

2. The petitioner contends that on 04-02-2001 he fell sick. Therefore, he sent a sick intimation to the concerned Supervisor on 04-02-2001 and underwent treatment. Subsequently, on 18-05-2002, a show cause notice was issued to him which was received by him on 26-05-2001 as to why his name shall not be deleted from the list of selected candidates. Due to bed rest he could not submit his explanation. Therefore, the respondents without conducting any enquiry and without giving him any opportunity deleted his name from the approved panel of selected candidates through the proceedings dated 07-07-2001. He preferred an appeal to the 2nd respondent and it was rejected by the 2nd respondent on 27-03-2004. He, therefore, approached this Court through this writ petition seeking a writ of mandamus declaring that the action of the 1st respondent through the proceedings dated 07-07-2001 deleting his name from the list of selected

candidates as illegal, arbitrary and in violation of the principles of natural justice and to direct the 1st respondent to reinstate him into service.

3. The respondents could not place any material to show whether any enquiry was conducted against the petitioner for his unauthorized absence. In the absence of any enquiry, the deletion of the name of the petitioner from the list of selected candidates cannot be sustained. The order of the 1st respondent dated 07-07-2001 is set aside. The 1st respondent is directed to restore the name of the petitioner into the list of selected candidates and allow him to discharge his duties according to rules.

4. The Writ Petition is accordingly allowed. No order as to costs.

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September 2,2004

C.C. within two days.

B/o.

KVR

To

1. The Depot Manager, APSRTC, Kalyandurg Depot, Kalyandurg, Ananthapur District.
2 The Divisional Manager, APSRTC, Ananthapur.
3 Two C.D. Copies